STATE OF CALIFORNIA AGRICULTURAL LABOR RELATIONS BOARD

BOARD MEETING MINUTES

Employment Development Department Auditorium 722 Capitol Mall Sacramento CA 95814

September 14, 2017

Time: 10:06 a.m.

Members Present: Chairwoman Shiroma, Members Rivera-Hernandez and Hall

Staff Present: Executive Secretary Avila-Gomez, Board Counsel Heyck, Inciardi

and Ratshin; Special Legal Advisor Blanco; Analyst Massie

Others Present: ALRB: General Counsel Montgomery; Regional Director Schneider;

Division of Administrative Services Staff Manager Crews; LWDA: Undersecretary Andre Schoorl, April Kleine

OPEN SESSION

1. Approval of Minutes: Board approved 3-0 the minutes of July 13, 2017.

2. Public Comment: None.

3. Chairwoman's Report:

Longtime Executive Secretary Antonio Barbosa announced in August that he planned to retire in October 2017. Mr. Barbosa served as Executive Secretary since 1992. He began his career with the ALRB as a regional attorney in the El Centro Regional Office in 1980 where he was assigned to the Bruce Church case. The Board thanked Mr. Barbosa for his unwavering commitment to the Act.

Effective August 1, 2017, the Board appointed Santiago Avila-Gomez as the new Executive Secretary for the Board. For over ten years, Mr. Avila-Gomez worked at the California Rural Legal Assistance ("CRLA") Foundation, a statewide non-profit legal aid organization. While at the CRLA Foundation Mr. Avila-Gomez provided free legal counseling to low-income immigrant and migrant clients on immigration law remedies including naturalization, family petitions to regularize immigration status, U-Visas; and family court petitions for custody and support and probate court petitions for guardianship incident to filings for Special Immigrant Juvenile Status.

From 2005 to 2006, he worked as a Deputy Legislative Counsel at the State of California Office of the Legislative Counsel. Mr. Avila-Gomez received his B.A. from San Jose State University in 1998 and his J.D. from the University of California, Davis School of Law (King Hall) in 2002. The Board congratulated Mr. Avila-Gomez on his appointment and welcomed him to the Board.

Chairwoman Shiroma attended the annual Association of Labor Relations Agencies Conference in Portland, Oregon. NLRB General Counsel Richard F. Griffin spoke on a panel called "The Year in Review: What's Significant and Relevant." NLRB Chair Phillip Miscimarra spoke on a panel along with Ginette Brazeau, Chair, Canada Industrial Relations Board called "Managing Change: Trudeau and Trump — Neutrality in a Politically Charged Environment." Peter Simpson, Director of the Canadian Federal Mediation and Conciliation service shared that Canada has had 1st contract arbitration for some time and there being discussions about going to intensive mediation and training the parties on how to negotiate.

On September 1, 2017, Chairwoman Shiroma and Special Legal Advisor Ed Blanco attended the Consulate of Mexico in Sacramento's closing ceremony to its 9th Edition of Labor Rights Week (LRW). This year's LRW's theme was "Know your rights at work: The well informed worker/Conoce tus derechos en el trabajo: Trabajador informado." At the closing event Consul General Liliana Ferrer and National Labor Relations Board (NLRB) Regional Director for Region 9, Jill Coffman, signed a Memorandum of Understanding (MOU). The MOU sets forth the Consulate's agreed upon duty to assist Region 9 with education and outreach on worker rights provided by the National Labor Rights Act. Consul General Ferrer revealed a strong interest in partnering with the ALRB on issues of education and outreach to farmworkers via the Consulate's mobile office that travels and delivers consulate services to distant and remote northern California counties where many farmworkers live.

On August 30, 2017, Chairwoman Shiroma and General Counsel Montgomery appeared before the Joint Legislative Audit Committee to respond to Senator Cannella's request that the ALRB be audited by the State Auditor to assess the ALRB's performance, operations, policies, and procedures. We emphasized that we are in the midst of an active audit with Department of Finance and a second audit would be redundant and a drain on our small agency. We also emphasized that we are currently under extensive oversight by the Legislature, LWDA, and the courts. The committee denied the request, in part, by noting that many of the criterion to be considered in the audit were budgetary in nature and, thus, better suited for evaluation via the legislative budget committees. Senator Toni Atkins in voting no took note of the effect that Senate Rules confirmation hearings had on increasing the ALRB's

budget and in particular the Legislature's desire that the ALRB have a presence in Northern and Southern California.

The California Supreme Court held oral arguments in both the Gerawan and Tri-Fanucchi matters.

Gerawan Farming, Inc. v. ALRB: The case arises out of two 2013 Board decisions approving collective bargaining agreements between Gerawan and the United Farm Workers reached through the Mandatory Mediation and Conciliation ("MMC") process. (Gerawan Farms, Inc. (2013) 39 ALRB No. 5; and Gerawan Farms, Inc. (2013) 39 ALRB No. 17) In May of 2015, the Fifth District Court of Appeal reversed the Board, finding that (1) the Board abused its discretion by not considering Gerawan's abandonment defense when ordering the parties to MMC; (2) the MMC statute is unconstitutional on equal protection grounds; and (3) the MMC process constitutes an improper delegation of legislative authority to the Board.

Tri-Fanucchi Farms v. ALRB: The case arises out of a 2014 Board decision holding that Tri-Fanucchi unlawfully refused to bargain with the UFW, rejecting Tri-Fanucchi's "abandonment" defense, and ordering Tri-Fanucchi to pay bargaining makewhole as a remedy for its violation of the ALRA. (*Tri-Fanucchi Farms* (2014) 40 ALRB No. 4.) In May of 2015, the Fifth District Court of Appeal upheld the Board's conclusion that Tri-Fanucchi's refusal to bargain was unlawful but reversed the Board's makewhole award.

The Board acknowledged the outstanding representation provided by ALRB Board Counsel Scott Inciardi in representing the Board in oral argument on the Tri-Fanucchi case and Deputy Attorney General Benjamin Glickman in representing the Board on the Gerawan case.

4. Executive Officer's Report on Elections, Unfair Labor Practice Complaints, Hearings and Court Litigation

ELECTION REPORT

NOTICE OF INTENT TO TAKE ACCESS (NA)

No new notices of intent to take access (NAs) were filed since the Board's last meeting on July 13, 2017.

NOTICE OF INTENT TO ORGANIZE (NO)

No new notices of intent to organize (NOs) were filed since the Board's last meeting on July 13, 2017.

ELECTION PETITIONS FILED

One election petition was filed.

Premiere Raspberries, LLC, 2017-RC-004-SAL

On, August 2, 2017, the Salinas Regional Office of the Agricultural Labor Relations Board ("ALRB" or "Board") received a petition for certification from the United Farm Workers of America seeking to represent the agricultural workers at Premiere Raspberries, LLC, in Monterey and Santa Cruz Counties. The election was held on August 9, 2017 with the following results:

UFW	269
No Union	236
Unresolved Challenged Ballots	<u>12</u>
Total	517

The employer filed objections to the election on August 14, 2017.

COMPLAINT REPORT

TWO COMPLAINTS HAVE ISSUED

- Robert Johnson Farms, Inc., 2015-CE-044-VIS
- Arnaudo Brothers, 2015-CE-005-VIS

HEARINGS SCHEDULED

Four hearings are scheduled for November, two in December, and two next year. Two cases have settled.

COMPLAINTS SETTLED PRIOR TO HEARING

• Sun Pacific Farming Cooperative, Inc., 2015-CE-032-VIS
On August 11, 2017, the parties executed an Informal Bilateral Settlement
Agreement and the scheduled hearing has been taken off calendar.

• South County Packing, Inc., 2017-CE-017-SAL

On September 8, 2017, the parties executed an Informal Bilateral Settlement Agreement and the scheduled hearing has been taken off calendar.

COMPLAINTS WITHDRAWN

None.

HEARINGS IN PROGRESS

None.

HEARINGS HELD

None.

CASES PENDING TRANSCRIPTS, POST-HEARING BRIEFS OR ALJ/IHE DECISION

- United Farm Workers (Olvera/Magaña), 2013-CL-002-SAL Hearing ended March 9, 2017. Post-hearing briefs received April 25, 2017.
- United Farm Workers (Angel Lopez), 2015-CL-006-VIS
 Hearing ended April 4, 2017. Post-hearing briefs received May 11, 2017.

ALJ/IHE DECISIONS ISSUED

None.

CASES PENDING EXCEPTIONS OR REPLY/REQUEST FOR REVIEW None.

CASES PENDING BOARD DECISION OR ACTION

None.

CASES REFERRED TO COMPLIANCE

• P&M Vanderpoel Dairy, 2013-CE-016-VIS, 40 ALRB No. 8

On July 12, 2017, the General Counsel submitted a request to the Board for consideration of a Formal Bilateral Partial Settlement Agreement. The agreement covers providing backpay to four of the five involved agricultural workers. A hearing is calendared for September 6, 2017 that would address the backpay for the fifth worker.

THE BOARD HAS NOT ISSUED ANY NEW BOARD DECISIONS and HAS ISSUED FIVE ADMINISTRATIVE ORDERS

ADMINISTRATIVE ORDERS

- P & M Vanderpoel Dairy, 2013-CE-016-VIS (40 ALRB No. 8)
 On July 20, 2017, the Board issued Administrative Order 2017-07 approving a partial formal settlement agreement.
- United Farm Workers (Olvera/Magaña), 2013-CL-002-SAL, et al. On September 8, 2017, the Board issued Administrative Order 2017-08 directing Respondent to refile exceptions in compliance with Board Regulation 20282.
- Premiere Raspberries, LLC, 2017-RC-004-SAL
 On September 8, 2017, the Board issued Administrative Order 2017-09 granting
 General Counsel's motion for extension of time.
- Sabor Farms, 2013-CE-047-SAL (42 ALRB No. 2)
 On September 13, 2017, the Board issued Administrative Order 2017-10 setting the time for Respondent to file a response to a request for enforcement of a Board order.
- California Artichoke and Vegetable Corporation dba Ocean Mist Farms, 2013-CE-044-VIS/2013-CE-012-VIS (41 ALRB No. 2)
 On September 13, 2017, the Board issued Administrative Order 2017-11 setting the time for Respondent to file a response to a request for enforcement of a Board order.

MANDATORY MEDIATION AND CONCILIATION

• Mushroom Farms, Inc., 2016-MMC-001

On August 9, 2016, The United Food and Commercial Workers, Local 5 (UFCW), filed a petition seeking a referral to Mandatory Mediation and Conciliation (MMC) on August 9, 2016. On August 17, 2016, the Board issued a decision and order directing the Employer and UFCW to mandatory mediation and conciliation (MMC). The parties selected Matt Goldberg as the mediator and met for mediation on December 13, 2016. The parties were scheduled to meet again on January 20, 2016, for their second session. In the interim, the parties agreed to investigate and collect additional data necessary to mediate contract articles that remain in dispute.

The parties met for the first day of mandatory mediation on December 13, 2016, and, after postponement due to a health issue, met again on April 4, 2016. The parties met for a final time on May 8, 2017, and will be submitting closing briefs to the mediator on July 20, 2017.

ALRB BOARD LITIGATION

Petitions for Writ of Review of Unfair Labor Practice Decisions

► <u>Tri-Fanucchi Farms v. ALRB</u>, California Supreme Court Case No. <u>S227270</u>

Summary: Petitions for review of the Fifth District Court of Appeal's decision affirming in part and reversing in part the Board's decision and order in 40 ALRB No. 4, in which the Board rejected the employer's defense to a refusal to bargain charge that the union had "abandoned" the bargaining unit and awarded bargaining make-whole relief to the employees.

Status and Last Action Date: Oral arguments were held on Tuesday, September 5, 2017, in San Francisco. The court will issue its opinion within 90 days from the oral argument date.

► Magaña v. ALRB (T.T. Miyasaka, Inc.), Sixth District Court of Appeal, Case No. H044175

Summary: Petition for writ of review of the Board's decision in 42 ALRB No. 4, in which the Board dismissed unfair labor practice allegations against the employer claiming a class action waiver in the Employer's arbitration agreement violated the Agricultural Labor Relations Act.

Status: Petitioner filed his reply brief on August 21. Briefing is now complete, and the parties are awaiting a decision by the court either dismissing the petition or granting review.

► Cruz v. ALRB (Premiere Raspberries, LLC dba Dutra Farms), Sixth District Court of Appeal, Case No. H044179

Summary: Petition for writ of review of the Board's decision in 42 ALRB No. 4, in which the Board dismissed unfair labor practice allegations against the Employer claiming a class action waiver in the Employer's arbitration agreement violated the Agricultural Labor Relations Act.

Status: Petitioner filed his reply brief on August 21. Briefing is now complete, and the parties are awaiting a decision by the court either dismissing the petition or granting review.

► Arnaudo Brothers v. ALRB, Fifth District Court of Appeal, Case No. F072420

Summary: Petition for writ of review of the Board's decisions in 40 ALRB No. 3 and 41 ALRB No. 6, in which the Board found Arnaudo unlawfully failed and refused to bargain with the United Farm Workers and awarded bargaining makewhole relief.

Status and Last Action Date: The court issued a published opinion on August 7, 2017, upholding the Board's rejection of Arnaudo's disclaimer defense but reversing the Board's remedial order awarding make-whole relief to the employees. The deadline to file a petition for review in the California Supreme Court is September 18.

► United Farm Workers v. ALRB (Corralitos Farms, LLC), Sixth District Court of Appeal, Case No. H041113

Summary: Petition for writ of review of the Board's decision in 40 ALRB No. 6, in which the Board found the UFW unlawfully picketed for representative status.

Status: On August 31, 2017, the court issued an order denying the petition for review as moot on the basis that the employer had dissolved its business. The UFW had 10 days from issuance of that order to file a petition for review in the California Supreme Court and did not do so.

Mandatory Mediation and Conciliation Litigation

► Gerawan Farming, Inc. v. ALRB, California Supreme Court Case No. S227243

Summary: Petition for review of the Fifth District Court of Appeal's opinion holding the mandatory mediation and conciliation statute (Lab. Code, § 1164 et seq.) unconstitutional as violative of equal protection and an improper delegation of legislative authority. The appellate court also held the employer should have been permitted to assert as a defense to referral to MMC that the union "abandoned" the bargaining unit.

Status: Oral arguments were held on Tuesday, September 5, 2017, in San Francisco. The court will issue its opinion within 90 days from the oral argument date.

► Gerawan Farming, Inc. and Lupe Garcia v. ALRB, et al., Fresno County Superior Court Case No 13-CECG-03374

Summary: Gerawan's complaint for declaratory and injunctive relief alleges the Board's decision in 39 ALRB No. 13 unconstitutionally violates employees' First Amendment right of access to mandatory mediation and conciliation proceedings. Lupe Garcia, an agricultural employee of Gerawan, intervened in the case alleging similar constitutional access claims.

Status: On June 26, 2017, the court issued a ruling granting the Board's summary judgment motions against Gerawan and Lupe Garcia and denying Gerawan's and Garcia's cross-summary judgment motions. On July 5, 2017, the Board submitted to the court a proposed judgment, and the court entered judgment on July 17. The Board served notice of entry of judgment on July 31.

► Gerawan Farming, Inc. v. ALRB, et al., Fifth District Court of Appeal, Case No. F07148

Summary: Appeal from superior court order granting summary judgment in favor of the Board after rejecting Gerawan's claims that the Board's decision in 39 ALRB No. 13 denying Garcia's petition to intervene in MMC proceedings between Gerawan and Garcia unconstitutionally denies public access to MMC proceedings.

Status: Gerawan filed a notice of appeal on August 2, 2017, and a notice designating the record on appeal on August 7. The Board filed its respondents' notice designating the record on appeal on August 17. On August 17, the court sent the parties a mediation questionnaire to complete. Gerawan submitted its mediation questionnaire on August 23, and the Board submitted its questionnaire on August 25. On August 28, the court notified the parties that the case had not been selected for mediation. The parties have stipulated to consolidate this appeal with Lupe Garcia's separate appeal, Case No. F076150, and that stipulation was submitted to the court on September 13.

► Lupe Garcia v. ALRB, et al., Fifth District Court of Appeal, Case No. F076150

Summary: Appeal from superior court order granting summary judgment in favor of the Board after rejecting Garcia's claims he has a constitutional right of access to attend MMC proceedings between his employer and his collective bargaining representative.

Status: Garcia filed a notice of appeal on August 3, 2017, and a notice designating the record on appeal on August 10. The Board filed its respondents' notice designating the record on appeal on August 17. On August 17, the court sent the parties a mediation questionnaire to complete. Garcia and the Board each submitted their mediation questionnaires on August 25. On August 28, the court notified the parties that the case had not been selected for mediation. The parties have stipulated to consolidate this appeal with Gerawan's separate appeal, Case No. F076148, and that stipulation was submitted to the court on September 13.

► Spawn Mate, Inc. dba Mushroom Farms v. ALRB, Monterey County Superior Court, Case No. 16CV003804

Summary: Complaint for injunctive relief to stay pending mandatory mediation and conciliation proceedings.

Status: On April 4, 2017, the court issued an order sustaining the Board's demurrer on jurisdictional grounds under Labor Code section 1164.5, without leave to amend. The Board submitted a proposed stipulated judgment on July 19, and the court entered the judgment on July 20. The Board filed and served a notice of entry of judgment on August 2, 2017. The employer's deadline to file a notice of appeal is October 6.

Other Board Litigation

► Cedar Point Nursery and Fowler Packing Co. v. Gould, et al., U.S. Court of Appeals, Ninth Circuit, Case No. 16-16321

Summary: Complaint for injunctive and declaratory relief seeking an order to overturn the Board's access regulation (Cal. Code Regs., tit. 8, § 20900) on constitutional grounds under the Fourth and Fifth Amendments. Plaintiffs appeal from the district court's order dismissing their constitutional claims.

Status: Briefing was complete as of March 20, 2017. On September 6, 2017, the court issued a notice setting the case for oral argument on November 17, 2017, at 9:00 a.m. in San Francisco.

► Gerawan Farming, Inc. v. ALRB, Fifth District Court of Appeal, Case No. F074423

Summary: Petition for writ of mandate to compel Board to reverse an administrative law judge's ruling revoking subpoenas served by Gerawan in an unfair labor practice proceeding. Gerawan appeals the superior court's judgment dismissing the case after sustaining a demurrer filed by the Board without leave to amend.

Status: On June 26, 2017, the Board filed a motion to dismiss this appeal as moot based on the General Counsel's dismissal of the underlying unfair labor practice case. Gerawan filed its opening brief on July 24. Gerawan also filed its opposition to the Board's motion to dismiss on July 24. The court issued an order on July 27 deferring ruling on the motion pending consideration of the merits. The Board's respondent's brief on the merits of the appeal is due October 23, 2017.

► Gerawan Farming, Inc. v. ALRB, Sacramento County Superior Court, Case No. 34-2015-80002100

Summary: Petition for writ of mandate under the California Public Records Act seeking to compel disclosure of communications between the Board and General Counsel relating to a decision to seek injunctive relief against the Employer.

Status: On January 31, 2017, the superior court entered judgment in favor of the Board and denying the Employer's petition for writ of mandate in its entirety. On February 21, 2017, the Employer filed a motion to vacate the judgment. Gerawan's motion was heard on July 28, after which the court issued a minute order denying it. The Board filed and served its notice of entry of order on August 3, 2017. Gerawan's time to seek review of the court's judgment is expired.

► Alvarez v. ALRB, et al., Sacramento County Superior Court, Case No. 34-2015-00185535

Summary: Complaint for discrimination and harassment arising out of employment.

Status: On July 6, 2017, plaintiff filed a notice of conditional settlement and it is anticipated the notice of dismissal will be filed soon.

The pattern we are seeing is a rise in court litigation and we expect that to continue.

5. General Counsel's Report

General Counsel Montgomery welcomed Executive Secretary Avila-Gomez. Ms. Montgomery previously worked with Mr. Avila-Gomez at CRLA Foundation. He brings a wealth of expertise and enthusiasm to the job. Ms. Montgomery also congratulated Board Counsel Inciardi on his recent oral argument before the California Supreme Court. Mr. Inciardi clearly demonstrated his expertise which the justices appreciated.

The General Counsel's office is exploring ways to better share its successes and the positive impact of its work with the public. As with the National Labor Relations Board (NLRB), the vast majority of charges are resolved without Board orders being issued. The NLRB website has a pie chart outlining the disposition of charges in the last fiscal year, which shows that approximately two percent of charges result in Board orders. The General Counsel's staff is working tirelessly to resolve cases and obtain remedies such as backpay and reinstatement for farm workers. The staff makes sure to get the word out and deliver services to farmworkers daily. Recently the Visalia region organized a check distribution of 44 checks to Ace, Arnaudo and Gunlund workers totaling \$38,000 farm workers, and with over 300 checks yet to issue to San Joaquin Tomato workers.

The General Counsel's office has filled many vacancies during the past year and is continuing efforts to reduce its backlog of pending charges. There has been a recent increase in charge filings: since the last meeting, 43 new charges were filed in Salinas and 19 new charges were filed in Visalia. As of last month, more charges were filed this year than the previous calendar year. There are 85 active investigations in Visalia regional and 100 in the Salinas region. The new Santa Rosa office has 12 charges. Charges are starting to roll in after participating in outreach events in Sonoma County, ongoing radio and television outreach, and a recent radio interview regarding workers' rights. One charge in Santa Rosa involves 10 women who claimed they were fired for complaining of sexual harassment. It takes time to build a presence in a community and outreach efforts will continue. In Indio, the General Counsel's office is still working on recruiting staff. In the meantime, the Visalia office is maintaining a presence in the area and conducting outreach. For example, ALRB staff recently conducted outreach to over 200 workers at the Calexico border crossing.

Recruitment efforts in Indio continue. Attempts to fill the attorney position in Indio have resulted in one attorney resigning and another attorney taking a position with the Labor Commissioner's office. Twenty-one attorney applications were received and of those only 5 of 21 speak Spanish. It is crucial to have bilingual persons in an office staffed by 3 people. Five 5 candidates we

interviewed, one offer was made which was declined, and one offer is pending. Several applicants are from legal services organizations. The General Counsel's office has done extensive outreach to the local community but it is a relatively small legal community. Of 14 applications received for the field examiner position, only 4 met the minimum qualifications. Ten applications for legal secretary were received but few of those were Spanish speakers. It is the General Counsel's goal to have office fully staffed within the next month.

The General Counsel's office currently has 7 job vacancies posted and is seeking an indigenous speaker to add to the staff.

A number of one-minute radio spots are being broadcast in Spanish and Mixteco throughout various counties in California. The goal is statewide distribution of the announcements. Workers who have come to our offices have reported that they heard about the ALRB from the radio ads so they appear to be making an impact.

Other efforts include outreach to 1,000 workers in Greenfield, staff presentations through the Mexican Consulate, outreach to employers in the Santa Rosa area, outreach to government agencies in the Oxnard area, and outreach to approximately 250 farm workers at a farm worker fair in Oxnard.

6. Chief of Administration's Report

Chief for the Division of Administrative Services Rodrigues filed her report with the Board on September 12, 2017. Chief Rodrigues welcomed Executive Secretary Avila-Gomez. Year-end accounting processes are being finished. Although Administration had a 70 percent turnover rate, the unit has an effective service level. We are trying to process worker checks sooner. Currently, it is taking at least a week to process outstanding worker checks. Issuance of farmworker checks is a priority. \$38,000 was distributed to 44 workers. Journal Technologies eCourt case management system has been procured. A kick off meeting was held in August and we are currently advertising for a project manager. The first meeting will be held next week.

7. Regulations – We have had our first opportunity to use our consolidation regulation.

8. Legislation – No changes since last meeting.

AB 12, Cooley. Introduced Dec. 5, 2016. State government: administrative regulations: review.

Existing law authorizes various state entities to adopt, amend, or repeal regulations for various specified purposes. The Administrative Procedure Act requires the Office of Administrative Law and a state agency proposing to adopt, amend, or repeal a regulation to review the proposed changes for, among other things, consistency with existing state regulations.

This bill would require each state agency to, on or before January 1, 2020, review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the Legislature and Governor, as specified. The bill would repeal these provisions on January 1, 2021.

9. Personnel – See reports above.

10. Announcements

The Board is continuing its visits around the state. On September 26 and 27, 2017, the Board Members Shiroma and Hall, General Counsel Montgomery, and Executive Secretary Avila-Gomez will be visiting the Santa Rosa area. The ALRB will be hosting an open house on September 26, 2017, from 4:00 p.m. to 5:00 p.m. at its Santa Rosa office located at 606 Healdsburg Avenue, Santa Rosa, California.

Six General Counsel attorneys will be attending a weeklong trial advocacy training in October.

The public meeting adjourned at 11:13 a.m.